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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,939	07/01/2003	Carl Fuentes	15.1250	2522

7590 05/05/2005
Darcell Walker
Suite 250
9301 Southwest Freeway
Houston, TX 77074

EXAMINER

RESTIFO, JEFFREY J

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/610,939	Applicant(s) FUENTES, CARL	
	Examiner Jeffrey J. Restifo	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention I, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 2/8/05. The applicant did submit arguments and therefore the restriction is made final.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because line 1 recites the phrase "The present invention provides" which can be implied and should be removed. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 17 is objected to because of the following informalities: Line 2 recites the phrase "disassembling to workstation", which is improper and should be changed to "said workstation". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucki (US 3,272,581 A).

Stucki discloses a workstation comprising variable length dividers 6 and vertical dividers 2 defining spaces able to contain equipment of any type, including medical equipment, wherein the configuration of the compartments can be adjusted to accommodate items of various size, as shown in figures 1-24. Stucki does not disclose the workstation as being used for the medical equipment needs of a particular patient in a hospital. It would have been obvious to one having ordinary skill in the art at the time of the invention to have applied the workstation of Stucki to meet a hospital's need of storing medical equipment so that the workstation could be adjusted for various sized

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equipment. The method is inherently performed in the use of the workstation of Stucki for medical equipment.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stucki, as applied to claim 19 above, and further in view of Ellman et al. (US 5,518,310 A).

Stucki does not disclose an opening in the rear for allowing medical cords to pass. Ellman et al. does disclose a medical cart comprising an opening 20 for allowing an electrical cord 42 to pass through the rear of the cart, as shown in figure 4. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the workstation of Stucki with the cord opening of Ellman et al. in order to allow an electrical cord to pass through the rear of the workstation plug in the electrical equipment.

8. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucki (US 3,272,581 A) and in further view of Ellman et al. (US 5,518,310 A).

Stucki discloses a workstation comprising variable length dividers 6 and vertical dividers 2 defining spaces able to contain equipment of any type, including medical equipment, wherein the configuration of the compartments can be adjusted to accommodate items of various size, as shown in figures 1-24. Stucki does not disclose the workstation as being used for the medical equipment needs of a particular patient in a hospital. It would have been obvious to one having ordinary skill in the art at the time of the invention to have applied the workstation of Stucki to meet a hospital's need of storing medical equipment so that the workstation could be adjusted for various sized

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equipment. The method is inherently performed in the use of the workstation of Stucki for medical equipment.

Stucki does not disclose an opening in the rear for allowing medical cords to pass. Ellman et al. does disclose a medical cart comprising an opening 20 for allowing an electrical cord 42 to pass through the rear of the cart, as shown in figure 4. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the workstation of Stucki with the cord opening of Ellman et al. in order to allow an electrical cord to pass through the rear of the workstation plug in the electrical equipment.

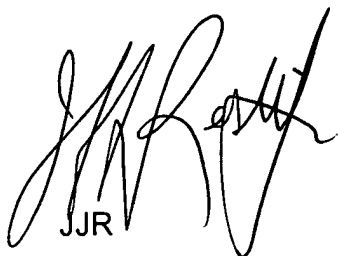
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F (10:00-6:00), alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JJR

Jeffrey J. Restifo
Examiner
Art Unit 3618